

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SCHWEIZER, et al.,

Plaintiff,

10-CV-6547MAT

v.

**ORDER**

SIKORSKY AIRCRAFT CORPORATION,

Defendants.

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By letter dated December 3, 2010, plaintiff Schweizer, et al. ("plaintiff") requests that it be permitted to file a one page sur-reply to supplement the materials submitted to this Court in connection with the pending Motion to Dismiss the second, third and fourth causes of action in the Complaint. The local rules of this Court prohibit sur-reply papers. See Rule 7.1(c) ("Sur-reply papers shall not be permitted unless a party is directed otherwise by the Court"). This Court recognizes that it is improper practice for a party to raise new issues or arguments in its reply brief, but this Court does not grant the plaintiff leave to file the requested Sur-Reply to make this or other arguments. See Ernst Haas Studio, Inc. v. Palm Press, Inc., 164 F.3d 110, 112 (2d Cir.1999) ("[N]ew arguments may not be made in a reply brief."); Meadowbrook-Richman, Inc. v. Assoc. Fin. Corp., 253 F.Supp.2d 666, 680 (S.D.N.Y.2003). Accordingly, the plaintiff's request for the right to serve a Sur-Reply brief is **DENIED**.

**ALL OF THE ABOVE IS SO ORDERED.**

s/Michael A. Telesca

MICHAEL A. TELESKA  
United States District Judge

Dated: Rochester, New York  
December 6, 2010